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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,026	09/03/1999	CHARLES A. PEYSER	07710.0001-0	6211

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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/390,026

Applicant(s)

PEYSER ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/2006 has been entered.

Response to Amendment

2. The applicant's amendment received on 6/22/2006 is acknowledged and entered. The applicant has canceled claims 1-6, 8-19 and 21-38 and added a new claim 39. Currently claim 39 is pending for examination.

Response to Arguments

3.1. Applicant's arguments filed on 6/22/2006, see Remarks, concerning new claim 39 have been considered but are not persuasive. The prior arts of Walker combined with Golden render claim 39 obvious as detailed below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 6,345,090), hereinafter, referred to as Walker in view of Golden et al. (US Patent 6,052,447), hereinafter, referred to Golden.

With regards to claim 39, Walker discloses a method for purchasing telecommunication services, comprising:

receiving a request for purchasing at least one telecommunication service at a server, the request being associated with a buyer, generating an offer to provide the at least said telecommunication service to the buyer in response to receiving the request, the offer being associated with a provider of said telecommunication services, receiving a response to the offer, wherein the response is associated with the buyer, and notifying the provider of the response and an identity of the buyer (see at least FIG. 1a, "Calling party 110 " represents buyers' terminals, "CPO management system 100 [see also Fig.3] represents the sever which is requested for the required service by the buyer, and " Inter exchange carrier 1, 2....N" correspond to different providers of services, col.4, lines 39-52, *receiving and processing CPOs for telephone calls fro one or more calling parties, such as a calling party 110...*, and col.6, line 64-col.7, line 9,"..... *Figs. 8a and *b, to provide (i) each CPO to the inter exchange carriers*

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120.....". Also see col.3, lines 8-67. Note: Walker further discloses that on receiving responses from the number of inter exchange carriers, that is the service providers, the buyer is notified about the offers and if the buyer accepts an offer the contract is completed, that is the seller is informed and services accepted from the seller for said buyer and payment made);

Walker does teach receiving information regarding prior use of telecommunication services of the buyer (see at least col.8, lines 11-28, and col.8, line 59-col.9, line 7, ***"FIG. 4 illustrates an exemplary customer database 400 that preferably stores information on each customer (calling party) of the CPO management system 100, including biographical information and an indication of the local telephone company serving each customer. customer database 400 includes the customer's address in field 445, the manner in which the customer is bound in field 450, an indication of the local telephone company serving the customer in field 455 and the customer's telephone number in field 460. The telephone number stored in field 460 may be utilized, for example, as a customer identifier to index a historical database (not shown) of previous transactions associated with the customer. "*** ***Note: Walker's suggestion of utilizing the stored telephone number information as a customer identifier to index a historical database corresponds to receiving information about prior use from the users/buyers).***

Walker does not explicitly disclose using the prior use information in sending this information to sellers and receiving response from sellers based upon this prior use information related to telecommunication network. However, in the same field of endeavor, Golden discloses use of prior use information in formulating customer-specific plans, package information, rewards, and discounts (see Golden at least col.1, line 8-col.2, line 10). In view of Golden, it would have been obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Walker to incorporate the teachings of using prior use

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information of the buyers in providing such information to sellers and receiving offers from sellers because, as explicitly disclosed in Golden, it would help the sellers in Walker [see Walker, col.2, lines 18-32, wherein it suggests that large customers, such as corporate customers are able to negotiate discounted rates]) to formulate customer-specific packages including rewards, and discounts all types of consumers, that is small consumers and large businesses (see Golden, col.2, lines 29-31).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US PG Publication 20010023402 to Flynn provides the evidence of using information of prior use of products/services by consumers in selling products/service to buyers (see at least paragraph 0036).

(ii) US PG Publication 20050261987 A1 to Bezos et al. provides the evidence of providing information on prior use of products/services to the new buyers.

(iii) US Patent 6,611,590 to Lu et al. discloses (see col.8, line 64-col.9, line 25) using historical data in a call enter to know about the caller's preferences and ordering information to analyze past activities of callers to predict future activities.


(iv) US Patent 5,748,485 to Christiansen et al. explicitly discloses the use of information of prior use of products, such as computers and software products, to present new products based upon the last purchases and this disclosure is a clear evidence of the fact that information of prior use by a customer is used in selling future products or services.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
7/27/2008